

Practitioner's Docket No. U 014797-5

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application  
of \_\_\_\_\_

Inventor(s)

for \_\_\_\_\_

Title of invention

**OR**

In re application of: **KEN-SHOW DAI**

Serial No.: 10/653,680

Group No.: --

Filed: September 2, 2003

Examiner.: --

For: Human Sach-Related Gene Variants Associated with Cancers

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is **mandatory**;  
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I hereby certify that, on the date shown below, this correspondence is being:

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**37 C.F.R. 1.8(a)**

**37 C.F.R. 1.10\***

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- ☐ transmitted by facsimile to the Patent and Trademark Office.

**Signature**

William R. Evans

*(type or print name of person certifying)*

Date: October 14, 2003

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: 37 C.F.R. 1.98(b):

- (1) *Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*
- (2) *Each U.S. patent application published listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.*
- (3) *Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.*
- (4) *Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.*
- (5) *Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.*

**WARNING:** *No extension of time can be had under 37 C.F.R. § 1.36 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).*

NOTE: *The "filing date of a national application" under 37 C.F.R. 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark office, the filing is defined in 37 C.F.R. 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 C.F.R. 1.97(b)(2).*

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. 1.97(b).

NOTE: *"No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."*

NOTE: *"An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

NOTE: *"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

**WARNING:** *"A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).*

**SIGNATURE OF PRACTITIONER**

CYNTHIA R. MILLER

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: KEN-SHWO DAI

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For: Human Sach-Related Gene Variants Associated with Cancers

Attorney Docket No.: U 014797-5

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sirs:

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references which are also listed on the attached Form PTO-1449.

Respectfully submitted,

*C. R. Miller by E. R. No. 25,858*

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NEW YORK, NEW YORK 10023  
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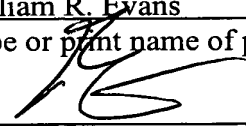
CERTIFICATE OF MAILING (37 CFR 1.8a)

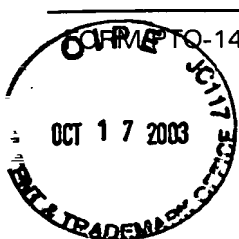
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William R. Evans

(Type or print name of person mailing paper)

Date: October 14, 2003

  
(Signature of person mailing paper)



PTO-1449

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEINFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

SERIAL NO.

U 014797-5

10/653,680

APPLICANT

KEN-SHWO DAI

FILING DATE

GROUP

September 2, 2003

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AL							
	A M							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AR	Ball, Douglas W., et al. "Identification of a human achaete-scute homolog highly expressed in neuroendocrine tumors" Proc. Natl. Acad. Sci. USA Medical Sciences Vol. 90 (1993) pp. 5648-5652
AS	Bhattacharjee, Arindam, et al. "Classification of human lung carcinomas by mRNA expression profiling ..." PNAS Vol. 98 No. 24 (2001) pp 13790-13795
AT	Massari, Mark Eben, et al., "Helix-Loop-Helix Proteins: Regulators of Transcription in Eucaryotic Organisms" <u>Minireview</u> Molecular and Cellular Biology Vol. 20 No. 2 (2000) pp 429-440

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449

U. S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 014797-5

10/653,680

APPLICANT

KEN-SHWO DAI

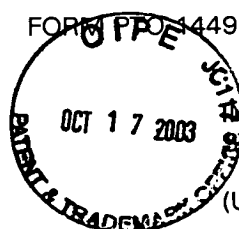
FILING DATE

GROUP

September 2, 2003

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	Sriuranpong, Virote, et al. "Notch Signaling Induces Cell Cycle Arrest in Small Cell Lung Cancer Cells" Cancer Research Vol 61 (2001) pp 3200-3205
	AS	Sugita, Michio, et al. "Combined Use of Oligonucleotide and Tissue...." Cancer Research Vol. 62 (2002) pp. 3971-3979
	AT	

EXAMINER

DATE CONSIDERED

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